

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID BUNDY,)	
Petitioner,)	
)	
vs.)	Civil Action No. 06-60
)	
SUPERINTENDENT TENNIS, et al.,)	
Respondents.)	

ORDER

AND NOW, this 26th day of June, 2006, after the petitioner, David Bundy, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 17), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 1) is dismissed and a certificate of appealability is denied as the petition is time barred.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: David Bundy
SCI Rockview
Box A
Bellefonte, PA 16823